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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,653	03/04/2002	Dmitriy Yavid	482YXXX	8215
7590 04/14/2004				
ATTN: DANIEL R. MCGLYNN SYMBOL TECHNOLOGIES, INC. ONE SYMBOL PLAZA, MS/A6 HOLTSVILLE, NY 11742		EXAMINER LEE, DIANE I		
		ART UNIT PAPER NUMBER		
		2876		

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

in

Office Action Summary

Application No.

10/090,653

Applicant(s)

YAVID ET AL.

Examiner

D. I. Lee

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47-101 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. ~~Note the attached Office Action or form PTO-152.~~

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 23 January 2004. Claims 1-46 have been canceled and claims 47-101 have been newly added.

Additional Remark(s)

2. In the applicant's remarks on page 13, applicant stated that each new claims 47, 59, 72, and 87 includes the subject matter of 1 and previously indicated allowability of claims 14, 27, 28, 29, respectively. It is noted that each new claims 47, 59, 72, 87 actually includes the subject matter of 11 and previously indicated allowability of claims 14, 27, 28, 29, respectively.

3. Furthermore, upon reviewing the instant claims 47-101 with the claims in application 09/604,197 (now US Patent 6,655,597), the examiner has determined that the conflicting claims are patentably distinct from each other. Accordingly, the previously set forth double patenting rejection has been withdrawn.

Oath/Declaration

4. The identified serial number (i.e., 09/605,112) claiming the benefit under 35 U.S.C. Section 120 of US application is incorrect. Appropriate correction is required.

Specification

5. The disclosure is objected to because of the following informalities:

(a) Page 1, line 12: the identified serial number of the continuation-in-part application is incorrect.

Appropriate correction is required.

Allowable Subject Matter

1. Claims 47-101 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: the best prior art of the record, IEEE, Plesko, Lau, Kajiki, and Kitamura, alone or in combination, fails to teach the a display having an optically diffusive property to render the image visible on a front surface of the screen and movable to a deployed position; the controller emerging the laser at selected beam to depict a cursor that is movable across the light pattern, adapt to changing the image size of the light pattern as a function of screen size and position; and an ambient sensing element to provide brightness adjustment on the screen, as set forth in the claims.

Conclusion

6. This application is in condition for allowance except for the following formal matters:
See the error noted in the Declaration and the Examiner's objection to the Specification above.
Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

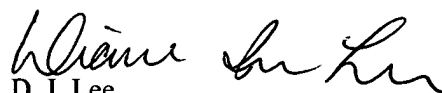
A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


D. I. Lee
Primary Examiner
Art Unit 2876

D. L.